

REMARKS

This amendment responds to the Office Action dated April 11, 2008, in which the Examiner rejected claim 11 under 35 U.S.C. § 101; rejected claims 1, 3, 6 and 11-12 under 35 U.S.C. § 102(b); and rejected claims 2, 4-5, and 7-10 under 35 U.S.C. § 103.

Applicants thank the Examiner for acknowledging Applicants claim for foreign priority. However, Applicants respectfully point out that although box 12a is indicated, Applicants believe that box 12a₃ should also be indicated.

As indicated, line 1 of claim 11 has been amended in order that claim 11 is directed to statutory subject matter. Applicants respectfully request the Examiner approves the correction and withdraws the rejection to claim 11 under 35 U.S.C. § 101.

As indicated above, claims 1-12 have been amended for stylistic reasons only. The amendments are unrelated to a statutory requirement for patentability and do not narrow the literal scope of the claims.

Claim 1 claims an image processing apparatus, claim 11 claims an image processing program and claim 12 claims an image processing method. The apparatus, program and method have a rotation body which can be pressed in a direction substantially in parallel with a rotation axis.

By having a rotation body which can be pressed in a direction substantially in parallel with a rotation axis as claimed in claims 1 and 11-12, the claimed invention provides an image processing apparatus, program and method which allows entry of various commands more comfortably, accurately and efficiently in a portable information terminal. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 11-12.

Claims 1, 3, 6 and 11-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Yamaguchi, et al.* (U.S. Publication No. 2002/0149621).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 102(b). The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Yamaguchi, et al. appears to disclose in FIGs. 11-14 and 16 a rotating member 11 is pressed as indicated by an arrow b against a spring force of a movable contact terminal 24a, the movable contact terminal 24a is pressed downward by the press portion 22a, thus turning the contact 24 ON [0106].

Thus, *Yamaguchi, et al.* discloses pressing a rotating member 11 in a direction b which is perpendicular to the rotation axis α , shaft member 36. However, as claimed in claims 1 and 11-12, a rotation body can be pressed in a direction substantially in parallel with a rotation axis. However, as clearly shown in FIGs. 11-14 and 16 of *Yamaguchi, et al.*, the rotating member 11 is pressed in a direction b which is perpendicular to the rotation axis α , shaft member 36.

Since nothing in *Yamaguchi, et al.* shows, teaches or suggests a rotation body which can be pressed in a direction substantially in parallel with the rotation axis as claimed in claims 1 and 11-12, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 11-12 under 35 U.S.C. § 102(b).

Claims 3 and 6 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 3 and 6 would not have been anticipated by *Yamaguchi, et al.* under 35 U.S.C. § 102(b) at least for the reasons as set forth above. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 3 and 6 under 35 U.S.C. § 102(b).

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* in view of *Tatsuya, et al.* (JP2001-184158). Claims 4-5 and 7-10 were rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* in view of *Mugura, et al.* (U.S. Publication No. 2002/0054106). Claim 10 was rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* and *Mugura, et al.*, and further in view of *Tatsuya, et al.*

Applicants respectfully traverse the Examiner's rejection of claims 2, 4-5 and 7-10 under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Yamaguchi, et al.* shows, teaches or suggests the primary features as claimed in claim 1, Applicants respectfully submit that the combination of the primary reference with the secondary reference to *Mugura, et al.* and *Tatsuya, et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 4-5 and 7-10 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

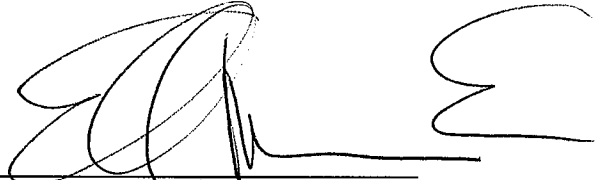
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: July 2, 2008

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